

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

LIN EDWARD DAVIS, SR.,

Plaintiff.

VS.

Sheriff CARLTON POWELL, *et al.*,

Defendants.

NO. 7:12-CV-143 (HL)

ORDER

Plaintiff **LIN EDWARD DAVIS, SR.**, an inmate at the Thomas County Jail (“TCJ”), has filed a motion to proceed *in forma pauperis* on appeal (Doc. 12) from the Court’s December 7, 2012 Order (Doc. 9) dismissing Plaintiff’s complaint without prejudice pursuant to 28 U.S.C. § 1915(g). The Order of dismissal was based upon Plaintiff’s having more than three prisoner actions dismissed as frivolous by federal courts¹ and his failing to allege that he was in imminent danger of serious physical injury.

In the Court’s best judgment, an appeal from the aforesaid Order cannot be taken in good faith. 28 U.S.C. § 1915(a)(3). As discussed in the Order, the facts alleged in Plaintiff’s complaint do not support a finding of imminent danger. Thus, there is no basis for allowing Plaintiff to proceed *in forma pauperis* on appeal in this case.

¹ See **Davis v. Seiter**, 3:95-cv-874-JPG (S.D. Ill. June 14, 1996) (complaint dismissed as frivolous); **Davis v. Dunlap**, 3:95-cv-272-JPG (S.D. Ill. Dec. 5, 1995) (same); **Davis v. Reno**, 1:95-cv-1648-UNA (D.D.C. Aug. 25, 1995) (same); **Davis v. USA**, 1:94-cv-693-RCF (N.D. Ga. May 23, 1994) (same); **Davis v. Reno**, 1:94-cv-694-RCF (N.D. Ga. May 23, 1994) (same); and **Davis v. Beach**, 5:91-cv-13-SBH-HWM (E.D. Tex. May 21, 1991) (same).

Having been carefully considered, Plaintiff's motion to proceed *in forma pauperis* on appeal is hereby **DENIED**. If Plaintiff wishes to proceed with his appeal, he must prepay the entire \$455 appellate filing fee.

SO ORDERED, this 7th day of January, 2013.

s/ Hugh Lawson
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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